

# Exhibit 19

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
GALVESTON DIVISION**

G&H DIVERSIFIED MANUFACTURING, LP

Plaintiff and Counterclaim-Defendant,

and

YELLOW JACKET OIL TOOLS, LLC

Counterclaim-Defendant

v.

DYNAENERGETICS EUROPE GMBH, and

DYNAENERGETICS US, INC.,

Defendants and Counterclaim-Plaintiffs.

Civil Action No: 3:20-CV-376

**DYNAENERGETICS EUROPE GMBH AND DYNAENERGETICS US, INC.'S  
INITIAL DISCLOSURES**

Defendants DynaEnergetics Europe GmbH and DynaEnergetics US, Inc. (collectively “DynaEnergetics” or “Defendants”) by and through their undersigned counsel, hereby provide the following disclosures pursuant to Fed. R. Civ. P. 26(a)(1)(A) and as set forth in the parties’ Joint Discovery/Case Management Plan (Dkt. 23). DynaEnergetics reserves all rights, consistent with Rule 26(e) of the Federal Rules of Civil Procedure, to modify, amend, and/or supplement the disclosures made herein based on information obtained as a result of their continuing investigation and discovery. By making these disclosures, DynaEnergetics does not represent that any particular document exists within their possession, custody, or control. These initial disclosures are made without waiver of, or prejudice to, any objections that DynaEnergetics may have. DynaEnergetics expressly reserves all objections, including, but not limited to, objections on the grounds of: (a) relevance; (b) attorney-client privilege; (c) attorney work-product doctrine;

(d) any other applicable privilege or protection under federal or applicable state law; (e) undue burden; (f) immateriality; and (g) overbreadth.

Subject to these reservations, DynaEnergetics discloses the following:

### **INITIAL DISCLOSURES**

#### **I. The Correct Names of the Parties to the Lawsuit**

Defendants DynaEnergetics Europe GmbH and DynaEnergetics US, Inc. have been properly identified. DynaEnergetics is not aware of any misidentification of any other party to the suit, including Counter-Defendants Yellow Jacket Oil Tools, LLC and G&H Diversified Manufacturing LP.

#### **II. The Name, Address, and Telephone Number of Any Potential Parties**

DynaEnergetics is not currently aware of any other potential parties to the lawsuit.

#### **III. The Legal Theories and, in General, the Factual Bases of the Disclosing Party's Claims or Defenses**

DynaEnergetics asserts a claim for direct infringement of U.S. Patent No. 10,844,697 (the “697 Patent”) against Plaintiff G&H Diversified Manufacturing, LP (“G&H”) and Counterclaim-Defendant Yellow Jacket Oil Tools, LLC (“YJOT”). The factual bases for DynaEnergetics’ claim is set forth in detail in DynaEnergetics’ Answer and Counterclaims (Dkt. 28), incorporated herein by reference.

DynaEnergetics reserves the right to supplement this response to provide detailed factual bases for additional claims, defenses, or counterclaims that DynaEnergetics may assert in further pleadings.

**IV. The Name, Address, and Telephone Number of Persons Having Knowledge of Relevant Facts, a Brief Statement of Each Identified Person's Connection With the Case, and a Brief, Fair Summary of the Substance of the Information Known by Such Person**

DynaEnergetics identifies the following individuals, and, if known, their addresses and telephone numbers, who are likely to have discoverable information that DynaEnergetics may use to support their claims or defenses. By identifying the following individuals, DynaEnergetics does not authorize G&H, YJOT, or anyone acting on behalf of G&H or YJOT to contact or otherwise communicate with DynaEnergetics' past or present employees, agents, or consultants. These individuals can be contacted only through counsel for DynaEnergetics. DynaEnergetics incorporates by reference as if fully stated herein the individuals and persons listed in the disclosures of G&H, YJOT, and any third parties to this action. Further, DynaEnergetics reserves the right to name additional fact and expert witnesses that may be identified through discovery.

Name, Address, and Telephone	Subject(s) of Information
Thilo Scharf Product Line Manager DynaEnergetics Europe GmbH Kaiserstraße 3 Troisdorf, Germany +49.2241.1236.700	<ul style="list-style-type: none"> <li>• Named inventor on the '697 Patent</li> <li>• Conception and development of the invention in the '697 Patent</li> <li>• Testing and industry use of the invention claimed in the '697 Patent</li> <li>• Non-obviousness of the '697 Patent, including industry praise and commercial success</li> <li>• G&amp;H's and YJOT's willful infringement of the '697 Patent</li> </ul>
Liam McNelis Vice President of R&D DynaEnergetics Europe GmbH Kaiserstraße 3 Troisdorf, Germany +49.2241.1236.700	<ul style="list-style-type: none"> <li>• Named inventor on the '697 Patent</li> <li>• Conception and development of the invention in the '697 Patent</li> <li>• Testing and industry use of the invention claimed in the '697 Patent</li> <li>• Non-obviousness of the '697 Patent, including industry praise and commercial success</li> <li>• G&amp;H's and YJOT's willful infringement of the '697 Patent</li> </ul>

Name, Address, and Telephone	Subject(s) of Information
<p>Ian Grieves President DynaEnergetics Europe GmbH Kaiserstraße 3 Troisdorf, Germany +49.2241.1236.700</p>	<ul style="list-style-type: none"> <li>• DynaEnergetics' ownership, licensing, and enforcement of the '697 Patent</li> <li>• Damages, including lost profits</li> </ul>
<p>Christian Eitschberger Product Line Manager DynaEnergetics Europe GmbH Kaiserstraße 3 Troisdorf, Germany +49.2241.1236.700</p>	<ul style="list-style-type: none"> <li>• Testing and industry use of the invention claimed in the '697 Patent</li> <li>• Non-obviousness of the '697 Patent, including industry praise and commercial success</li> </ul>
<p>Gernot Burmeister Director of Sales, AME DynaEnergetics US, Inc. Austin, TX 512.327.2043</p>	<ul style="list-style-type: none"> <li>• Sales and marketing of DynaEnergetics' products practicing the '697 Patent</li> <li>• Non-obviousness of the '697 Patent, including industry praise and commercial success</li> <li>• Damages, including lost profits</li> <li>• G&amp;H's and YJOT's willful infringement of the '697 Patent</li> </ul>
<p>Brian Engelkes Plant Controller DynaEnergetics US, Inc. 3580 HCR 1145 Loop North Blum, TX 76627 254.727.7621</p>	<ul style="list-style-type: none"> <li>• Sales and marketing of DynaEnergetics' products practicing the '697 Patent</li> <li>• Non-obviousness of the '697 Patent, including industry praise and commercial success</li> <li>• Damages, including lost profits</li> <li>• G&amp;H's and YJOT's willful infringement of the '697 Patent</li> </ul>
<p>Frank Preiss Former Vice President DynaEnergetics US, Inc. Contact through Counsel for DynaEnergetics</p>	<ul style="list-style-type: none"> <li>• Named inventor on the '697 Patent</li> <li>• Conception and development of the invention in the '697 Patent</li> </ul>

Name, Address, and Telephone	Subject(s) of Information
Jimmy Kash President, G&H and YJOT	<ul style="list-style-type: none"> <li>• The YJOT Pre-Wired Perforating Gun (and any other products or systems made or sold by G&amp;H and/or YJOT that are comparable in structure or function to the YJOT Pre-Wired Perforating Gun); its design and development; the market for it; its manufacture, supply, sales, and distribution; and projections, budgets, revenues, costs, and profits relating to sales thereof</li> <li>• G&amp;H's and YJOT's willful infringement of the '697 Patent</li> <li>• Non-obviousness of the '697 Patent, including industry praise and commercial success</li> </ul>
Danny Kash Vice President of Sales, G&H and YJOT	<ul style="list-style-type: none"> <li>• The YJOT Pre-Wired Perforating Gun (and any other products or systems made or sold by G&amp;H and/or YJOT that are comparable in structure or function to the YJOT Pre-Wired Perforating Gun); its design and development; the market for it; its manufacture, supply, sales, and distribution; and projections, budgets, revenues, costs, and profits relating to sales thereof</li> <li>• G&amp;H's and YJOT's willful infringement of the '697 Patent</li> <li>• Non-obviousness of the '697 Patent, including industry praise and commercial success</li> </ul>
Ben Knight Chief Engineer, G&H and YJOT	<ul style="list-style-type: none"> <li>• The YJOT Pre-Wired Perforating Gun (and any other products or systems made or sold by G&amp;H and/or YJOT that are comparable in structure or function to the YJOT Pre-Wired Perforating Gun); its design and development; the market for it; its manufacture, supply, sales, and distribution; and projections, budgets, revenues, costs, and profits relating to sales thereof</li> <li>• G&amp;H's and YJOT's willful infringement of the '697 Patent</li> <li>• Non-obviousness of the '697 Patent, including industry praise and commercial success</li> </ul>

Name, Address, and Telephone	Subject(s) of Information
Josh McGill Product Champion and U.S. Sales, G&H and YJOT	<ul style="list-style-type: none"> <li>• The YJOT Pre-Wired Perforating Gun (and any other products or systems made or sold by G&amp;H and/or YJOT that are comparable in structure or function to the YJOT Pre-Wired Perforating Gun); its design and development; the market for it; its manufacture, supply, sales, and distribution; and projections, budgets, revenues, costs, and profits relating to sales thereof</li> <li>• G&amp;H's and YJOT's willful infringement of the '697 Patent</li> <li>• Non-obviousness of the '697 Patent, including industry praise and commercial success</li> </ul>
John Kaiser CFO, G&H and YJOT	<ul style="list-style-type: none"> <li>• The corporate relationship between G&amp;H and YJOT</li> <li>• The YJOT Pre-Wired Perforating Gun (and any other products or systems made or sold by G&amp;H and/or YJOT that are comparable in structure or function to the YJOT Pre-Wired Perforating Gun); its design and development; the market for it; its manufacture, supply, sales, and distribution; and projections, budgets, revenues, costs, and profits relating to sales thereof</li> <li>• G&amp;H's and YJOT's willful infringement of the '697 Patent</li> <li>• Non-obviousness of the '697 Patent, including industry praise and commercial success</li> </ul>
Current and/or former employees of G&H and/or YJOT	<ul style="list-style-type: none"> <li>• The YJOT Pre-Wired Perforating Gun (and any other products or systems made or sold by G&amp;H and/or YJOT that are comparable in structure or function to the YJOT Pre-Wired Perforating Gun); its design and development; the market for it; its manufacture, supply, sales, and distribution; and projections, budgets, revenues, costs, and profits relating to sales thereof</li> <li>• G&amp;H's and YJOT's willful infringement of the '697 Patent</li> <li>• Non-obviousness of the '697 Patent, including industry praise and commercial success</li> </ul>
One or more representatives of third parties, including Apache Corporation, Welltec, Schlumberger, Halliburton, Weatherford, Baker Hughes, Patriot, and others	<ul style="list-style-type: none"> <li>• G&amp;H's and YJOT's willful infringement of the '697 Patent</li> <li>• Non-obviousness of the '697 Patent, including industry praise and commercial success</li> </ul>

**V. Any Indemnity And Insuring Agreements Under Which Any Person Or Entity May Be Liable To Satisfy Part Or All Of A Judgment Entered In This Action Or To Indemnify Or Reimburse For Payments Made To Satisfy The Judgment**

DynaEnergetics is not currently aware of any applicable indemnity or insuring agreements. DynaEnergetics reserves all rights to supplement this response should they become aware of such agreements.

**VI. Any Settlement Agreements Relevant to the Subject Matter of This Action**

DynaEnergetics is not currently aware of any applicable settlement agreements. DynaEnergetics reserves all rights to supplement this response should they become aware of such agreements.

**VII. Any Statement of Any Party to the Litigation**

DynaEnergetics is not currently aware of any statements of the parties that are relevant to the subject matter of this action. DynaEnergetics reserves all rights to supplement this response should they become aware of such statements.

**VIII. Rule 26(a)(1)(A)(ii) – Documents, Electronically Stored Information, and Tangible Things**

In accordance with the Joint Discovery/Case Management Plan and the Scheduling Order in this action, DynaEnergetics will produce documents, electronically stored information, and/or tangible things in their possession, custody, or control that are relevant to the pleaded claims or defenses involved in this action. DynaEnergetics' production of documents shall not be construed as a waiver of any objection, attorney-client privilege, work product immunity, and/or any other privilege or application exception afforded to DynaEnergetics. In addition, DynaEnergetics notes that relevant documents are believed to be in the possession, custody, or control of G&H, YJOT, and/or third parties, and reserve the right to use those documents in support of their claims and defenses.



DynaEnergetics identifies the following documents, electronically stored information, and tangible things in their possession, custody, or control that DynaEnergetics may use to support their claims or defenses. DynaEnergetics anticipates that additional documents and information will be located or identified, including documents and information requested during discovery, and therefore reserves the right to supplement these disclosures by identifying and/or producing additional documents and information as they become available.

Location	Categories
DynaEnergetics Europe GmbH Kaiserstraße 3 Troisdorf D-53840 Germany  DynaEnergetics US, Inc. 2050 W. Sam Houston Pkwy S. Suite 1750 Houston, TX 77042  DynaEnergetics US, Inc. 3580 HCR 1145 Loop North Blum, TX 76627	<ul style="list-style-type: none"> <li>• Information concerning the conception and development of the inventions claimed in the '697 Patent</li> <li>• Information regarding prosecution of the '697 Patent</li> <li>• Information relevant to the commercial embodiments covered by the '697 Patent</li> <li>• Information relevant to infringement of the '697 Patent</li> <li>• Information relevant to the validity of the '697 Patent</li> </ul>
USPTO	<ul style="list-style-type: none"> <li>• The '697 Patent and its file history</li> </ul>

#### **IX. Rule 26(a)(1)(A)(iii) – Damages**

DynaEnergetics is seeking an injunction pursuant to 35 U.S.C. § 283, recovery of damages adequate to compensate for G&H's and YJOT's infringement and increased damages as a result of G&H's and YJOT's willful infringement pursuant to 35 U.S.C. § 284 and 35 U.S.C. § 154(d), and a declaration of exceptional case and award of reasonable attorneys' fees pursuant to 35 U.S.C. § 285. Damages computations, however, cannot be completed until after appropriate discovery is obtained from G&H, YJOT, and/or expert analyses. DynaEnergetics

will supplement their computations of applicable categories of damages as may be required prior to trial in accordance with Fed. R. Civ. P. 26.

Dated: March 11, 2021

Respectfully submitted,

WOMBLE BOND DICKINSON (US) LLP

By: /s/ Barry J. Herman

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**CERTIFICATE OF SERVICE**

I hereby certify that true and correct copies of the foregoing were served on March 11, 2021, on the following counsel of record via electronic mail:

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